Indiana State Sentinel.

SEMI-WEEKLY.

ETERNAL VIGILANCE IN THE PRICE OF LIBERTY. INDIANAPOLIS, AUGUST 13, 1845.

MARION CIRCUIT COURT.

Criminal Cases.

Reported for the State Sentine!. 4th day of July last.

the gast side of Illinois street. Witness saw Davis kill the negro. Davis did not hurt Mr. Rhodes. Davis when Davis hit him on the head. The lick at James Kirlin's grocery.

pump near west side Illinois street. Saw the blood on ed. The mob continued to rush on towards the ne-

if you want blood come out here. Wood came out. Saw wood come out of Franks, and towards the head the negro by the collar. Saw him pick up the board in the street. Does not The negro told Wood to stand off. Wood's brother negro. The crowd cried, "Give it to him Nick." The see Ballinger at all until he had the negro by the collar. Saw him pick up the board in the street. Does not The negro told Wood to stand off. Wood's brother negro. The crowd cried, "Give it to him Nick." The Negro struck at him. Wood then crossed the street know whether Wood stopped at Kirlin's grocery, and some others took hold of Wood. The negro then got nearly on top of Wood, and the crowd know whether Wood stopped at Kirlin's grocery. Negro struck at him. Wood then crossed the street know whether Wood stopped at Kirlin's grocery. to Harlin's. Wood shortly afterwards came out, and Saw negro stoop down when Wood was about a rod tinued to retreat. Voices cried kill the negro. Da- land some others took hold of Wood, and the crowd tinued to retreat. Voices cried kill the negro. Da- land some others took hold of Wood, and the crowd tinued to retreat. Voices cried kill the negro. Da- land some others took hold of Wood, and the crowd tinued to retreat. Voices cried kill the negro. Da- land some others took hold of Wood and the negro. Da- land some others took hold of Wood

negro, about the distance from where he stood to ness crossed the street towards the wagon. The ne- the negro by the collar and pressed him back against appeared with a stick and witness took hold of Wood, book case, in Court House, when Wood struck him. gro had crossed over towards the east side of the the fence, and struck him twice with the club holding and told him not to strike the negro, asking him if he

and Joseph Levy take hold of Nicholas Wood.

Cross-examined .- Wood stayed three or four minhead and face were bloody; did not see the wound on swingle-tree. of five feet from the pump. The brick was a hard was.

the lot two or three hours. The negro crossed from in the side. The negro then threw at Davis, hit him the same.

After Wood had been taken away, the negro again retreated, and the crowd followed him and continued to throw at him when he again turned round.

throw until Ballinger came up and struck him.

The State of Indiana vs. Edward Davis. -- Indictment for murder in the second degree, up in the second degree, up in the last drop of your blood, if it is blood you are after.

Wood s brother take hold of him. Saw brick bats flying. know, and I'll make you pay for it. If I don't, I'll have the pump engaged in a scuille. David Buckhart told the pump engaged in a scuille. David Buckhart told the pump engaged in a scuille. Witness was at his store. afterwards Davis hauled away and struck the negro Saw Davis throw at the negro. Saw Wood come down the street, with a piece Saw the negro throw three bricks. Davis was near ten grocery. Saw Wood cross the street and get a club, and Wednesday more than 15 or 20 present at that moment.

Wednesday more than 15 or 20 present at that moment.

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We need the negro when the negro when the negro when the negro when the negro down towards the negro was bearing across the street towards the negro. Not more than 15 or 20 present at that moment.

We need the negro was bearing across the street towards the negro pick up a brick and hit towards the negro, saw the negro pick up a brick and hit towards the negro. Not more than 15 or 20 present at that moment. John Rider.—States, that on the fourth of July last, Witness was close to Davis. The negro appeared to head. Shortly after the head. Shortly after the Palmer House, saw the Negro, Tucker, on be harmless at the time he was hit by Davis. The part of the head. Shortly after the negro told him to stand back or he would kill him. near the Falmer House, saw the Negro, Tucker, on the head of the pavement near Meikel's grocery, on Washington brick thrown by Davis drew blood from the head of the pavement near Meikel's grocery, on Washington brick thrown by Davis drew blood from the head of the pavement near Meikel's grocery, on Washington brick thrown by Davis drew blood from the head of the pavement near Meikel's grocery, on Washington brick thrown by Davis drew blood from the head of the pavement near Meikel's grocery, on Washington brick thrown by Davis drew blood from the head of the pavement near Meikel's grocery, on Washington brick thrown by Davis drew blood from the head of the pavement near Meikel's grocery, on Washington brick thrown by Davis drew blood from the head of the pavement near Meikel's grocery, on Washington brick thrown by Davis drew blood from the head of the head. Davis took hold that Ballinger was near witness from the corner until B. knock him down near the fence. Afterwards saw Wood witness, witness, witness, witness, witness, while the negro, and was thrown by Davis drew blood from the head of the negro, and was thrown with considerable force. street. Saw Wood strike the higher was near witness from the corner until B. The negro was close enough that Ballinger was near witness from the negro. The blood streamed from the negro and pass into a grocery. The blood streamed from the negro for time stood on ground, part on hand-rail at Amstrong's. Saw Ballinger near sign post—heard to Davis when Ballinger caught him, to have struck him, him hallo at crowd. Left that place before Davis was 8 or 10 feet from the lower did retreat up the strike the negro, he thinks, on the side or shoulder; some to Davis was 8 or 10 feet from the lower did retreat up the strike the negro, he thinks, on the strike the negro, he thinks at Armstrong's lower did retreat up the strike the negro, he thinks, on the strike the negro, he thinks at Armstrong's lower did retreat up the strike the negro, he thinks at Armstrong's lower did retreat up the strike the negro, he thinks at Armstrong's lower did retreat up the strike the negro. The negro retreated north, and his back was towards at Armstrong's lower did retreat up the strike the negro, he thinks, on the struck him, to have stru was advised to go and prosecute Wood for striking was advised to go and prosecute Wood for striking him. Tucker started towards the Magistrate's office.

The negro might have thrown the club and him blows. Thinks that Wood was within ten feet of the new swingle-tree in his hand, and heard him parts. The negro might have thrown the club and him blows. Thinks that Wood was within ten feet of the new swingle-tree in his hand, and heard him parts. The negro might have thrown the club and him blows. Thinks that Wood was within ten feet of the new swingle-tree in his hand, and heard him parts. The negro might have thrown the club and him parts. The negro might have thrown the club and him parts. The negro might have thrown the club and him parts. The negro might have thrown the club and him parts. The negro might have thrown the club and him parts. The negro might have thrown the club and him parts. The negro might have thrown the club and him parts. The negro had gone north. Say that he would kill the negro. him. Tucker started towards the Magistrate's office. name was John Tucker. Davis and James Rhodes north across the street. The negro had gone north, say that he would kill the negro. Wood crossed the street, and afterwards followed the street, and afterwards followed to the piece of board or plank in his hand. Negro told Wood to stop. Wood with a piece of board or plank in his hand. Negro told Wood if he followed him he would knock the direction of the lostion's office. Wood over the direction of the lostion's office. The negro had a brick on the negro was knocked down to the negro was knocked down to the negro told Wood if he followed him he would knock to the negro told Wood if he followed him he would knock to the negro told wood if h in the direction of the Justice's office. Wood over- minutes after the affray with Davis. Saw Wood with ped. Davis threw and hit the negro before the negro bef book him near the middle of Illinois street. Tucker a club in his hand. Did not hear Davis say anything. hit him. The negro threw at the crowd, but not unturned to defend himself: a scuttle ensued. Saw | Cross-examined. - States, saw Davis did not mean to hurt you." The negro went quartering Wood strike Tucker with a club, near the alley, on not hear him say that he would take a salt barrel to was dodging part of the time, and part of the time

an eastern direction. Wood met the negro and cursed Davis was in front of the mob about a rod, so was him, then struck him. Did not hear negro speak besome other man and Watson. Negro then turned and the negro, throwing Washington street opposite Gaston's shop in company Wood. Wood said he would kill the negro. Thinks fore he was struck. After Wood struck, negro ask- threw a brick at Davis and knocked Davis down. that Ballinger knocked Davis down. that Ballinger knocked Davis down. that Ballinger knocked Davis down. ed "what does this mean !"—said, after Wood went Wood came with a shaved stick in his hand, and cried time before. At the time Davis was knocked down, collar and struck several blows, two or three with a Saw Wood pick up the board and follow the negro. The told him to leave. into the grocery, "if you want to shed blood, come out where is the negro. This was a minute or so be- Wood was between the crowd and the negro. wards Harlin's grocery. Saw the scuffle near the the mouth of the alley, where he was afterwards kill-

Wood's head after the scuffle. Saw Davis strike Tuck- gro, and brick-bats were thrown by the mob. Saw er with the brick bat. Saw Davis after he had been Ballinger come across from Armstrong's, and took struck. Did not see Davis knocked down. Saw the hold of the negro with the left hand, and hit the ne- when Davis was knocked down. away. The stick which Ballinger had was as thick back towards Davis and could not see him when he struck with it. Direct Examination Resumed .- At the time Wood as the arm of the witness, and three feet or more in threw. Did not stand more than from 4 to 8 feet JEREMIAN DAY. - States, saw a crowd near Meikeil and strike the negro and knock him down. Saw Wood The effect is by concussion, by extravasation or internal struck the negro first, he (Wood) cursed him and length. Ballinger was a strong man. He struck the from Davis when he threw at the negro. Jeremiah grocery, on 4th July. Saw Wood cross over to Kirlin's strike she negro on the shoulders after Ballinger had rupture. Thinks the effects, in this instance, was cencusnegro twice with the club in one hand, and once or Day told the negro to leave that crowd or they would grocery and jirk up a salt barrel two or three times. knocked him down. Previously saw a brick strike the sion. The effects of the blow on the back of the head

fight. Saw Wood go to Gaston's shop and come and count with a club. Did not see stick in Wood's hand at the pump, It lings have been 1, 20 most say "kill him" only with a club. Did not see stick in Wood's hand at the pump, It lings have been 1, 20 most say "kill him" only with a club. Did not see stick in Wood's hand at the pump, It lings have been 1, 20 most say "kill him" only buck hart adverse the negro to go away. The crowd such that the young man did not throw the block at followed the negro north. Witness was on the was approaching him. Other persons to him, he did not strike the young man. Davis how to him, "give me the stick, I'll fix him." Eallinger to him, he did not strike the young man do not see Davis. The negro was threatening to throw at a young man, but to him, buck at the negro was threatening to throw at a young man, but to him, buck at the negro was threatening to throw at a young man, but to him, buck at the negro was threatening to throw at a young man, but to him, buck at the negro was threatening to throw at a young man, but to him, buck at the negro was threatening to throw at a young man, but to him, buck at the negro was the negro was

Ballinger. Davis was three or four paces from the Wood to wait until some other day, but could not in- cient force was applied.

bare headed. Did not see negro strike Wood. Wood The last witness saw of the negro was near the gutsaid he would kill the negro; assigned no reason for ter on the east side of Illinois street. Ballinger had tion of the negro. Saw the negro throw two stones. Cross-Examined.—Cannot tell which of the blows did less and regardless of consequences.

vis throw it was near the middle of the street. Davis Wood appeared with a stick following towards the down, as witness supposes. hit the negro once or twice before the negro threw negro. The negro told Wood not to strike, and wood did not then strike. Davis was in advance of the crowd with a club in his hand. Witness caught hold witnesses being sick and not in attendance Cross-examined.—Saw the last attack when the ne- crowd when he threw at the negro. Witness saw of Wood, Wood said "let me go" as he would kill the gro was opposite Dr. Hunt's shop. Witness went on Ballinger standing near the sign post at Armstrong's damned negro. Wood went towards the negro, and to the west side of Illinois street. The negro was and crying out "kill the negro." After the negro the negro turned towards Wood, Wood squared up then but a few steps from witness. Witness stood had knocked Davis down, Ballinger followed the negro turned towards wood, wood squared up to the negro. Witness called upon the crowd to support the negro turned towards wood. Witness called upon the crowd to support to the negro, witness was in the crowd to support to the negro, witness was in the crowd at the negro. near the south corner of Hunt's shop. Divers persons were engaged in throwing. Davis came out in the street of Hunt's shop. Divers persons in the collar, and taking a club press the riot. Afterwards saw the negro lying dead. The street of Hunt's shop. Divers persons in the crowd at the street of Hunt's shop. Divers persons in the crowd and not man on the negro lying dead. The street of Hunt's shop. Divers persons in the crowd at the street of the negro lying dead. The street of Hunt's shop. Divers persons in the crowd at the shop of the street of Hunt's shop of the street of Hunt's shop of sons were engaged in throwing. Davis came out in in one hand struck at the negro, which blows the nefront of the crowd. The negro was facing the first saw the negro was facing the first saw the negro was facing the first saw the negro and Wood were both saw the negro struck with one rock near the pump, but the negro. Does not know Dollarhide; but others said it front of the crowd. The negro was facing the gro fended off. He then took the club in both hands just after the negro was knocked down near Nor- bleeding—the negro was retreating up Illinois street. don't know who did it. The negro was standing up when was Dollarhide who urged the negro to stay. hand. Saw negro strike a man in the back with the negro over the head and knock- wood's fence. The negro never rose again. Saw Davis fall by the blow of the negro. Saw a club m he was hit on the side of the head. The blow was not been blow of the negro. Saw a club m he was hit on the side of the head. The blow was not been blow of the negro. Saw a club m he was hit on the side of the head. The blow was not been blow of the negro. Saw a club m he was hit on the side of the head. The blow was not been blow of the negro. Saw a club m he was hit on the side of the head. The blow was not been blow of the negro. Saw a club m he was hit on the side of the head. The blow was not been blow of the negro. hand. Saw negro strike a man in the back with him down. The club was a common sized band-spike Nick Wood strike the negro with a stick on the head the hands of the negro. Saw Ballinger run up and hit very hard. a stone or brick and the man's hat fall off. Then turned round and threw at Davis and knocked him broad and threw at Davis and knocked him broad and threw at Davis and knocked him broad and three and the negro got the club, Ballinger run broad and three and the negro got the club, Ballinger run broad and three and the negro got the negro got the negro got the negro got the negro. Saw Ballinger throw once at the negro. turned round and threw at Davis and knocked him down. Negro threw other bricks or stones, and other having the club, and said give me the stick, "I'll soon the negro was down. Davis's head was bleeding at an afterward basis and afterwards the negro picked up the rock or brick. The fore he threw at Davis. Is certain that Balliager threw at and afterwards the negro picked up the rock or brick. The fore he threw at Davis. Is certain that Balliager threw at Davis. Is certain that Balliager threw at Davis. persons were near being hit, particularly a child on the side walk. Saw the blood run down Wood's hair.

Thinks that one rock was thrown before the negro was lying, and struck him twice over.

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The side walk. Saw the blood run down Wood's hair.

Thinks that one rock was thrown before the negro was lying, and struck him twice over.

The side walk was bleeding at the time B. struck the him negro met Wood more than half way. Afterwards saw him; but did not hit him. Ballinger had nothing in his negro met Wood with a new club of swingle tree. Saw the brickbats hand as he went to the negro. The crowd repeatedly fiving. Thinks that one rock was thrown before the negro was lying, and struck him twice over the negro was lying, and struck him twice over the negro was lying, and struck him twice over not see Ballinger strike or do any thing until after Davis flying.

THURSDAY MORNING, 9 o'clock. Court met pursuant to adjournment.

dow. Could not hear what Wood said. Saw his was much agitated. Was South of where the negro | Cross-Examined .- Was at the State House when he Heratio B. McDowell.-States, first saw Wood motions-saw him apparently making fun of the ne- lay-Davis was north thereof. HORATIO B. McDowells.—Otates, more saw to out a first heard of the fuss, or when the row commenced, discovery hunting an axe helve, swearing that he wantered something to kill the damned negro. Then saw of something to kill the damned negro. The negro had gone down the street below the something to kill the damned negro. The negro had gone down the street to kill the damned negro. The negro had gone down the street to kill the damned negro. The negro had gone down the street to kill the negro left the pump, he continued to go the time first heard of the fuss, saw the negro had gone down the street to kill the damned negro. The negro had gone down the street to kill the damned negro. The negro had gone down the street to kill the damned of the fuss of the negro had gone down the street to kill the damned of the fuss of the negro had gone down the street to kill the damned of the fuss of the negro had gone down the street to kill the negro pass down the street towards the Justice's fore Wood. Witness came down stairs in from three ing down the street. Saw Wood strike the negro on bleeding. Ballinger was standing near the corner of the office. Wood then followed in the course towards to five minutes. Saw them in contact before he came the negro's nose bleeding, and heard the negro's negro throw at Wood as Wood as Wood as Wood and Nose heard the negro's negro throw at Wood as board. Afterwards saw the negro and Wood near ed him, and hit him upon the back of the head. Wood's brother take hold of him. Saw brick bats flying. know, and I'll make you pay for it. If I don't, I'll have the negro to go away or he would be killed. Shortly the negro threw the brick. Witness was at his store, ed out of the way, and went across to Harlan's gro- other things thrown by any persons towards the negro. Saw the negro strike at Wood after Wood came out of the hunting something to throw. There was no crowd the street, had his hand upon a salt barrel. Wood up to the negro, and remained by him until he was re- Norwood's corner. Wood had the stick before he came the east side of Illinois street. Witness saw Davis hit Tucker with a large brick-bat, after Wood and Tucker were parted. Tucker was not looking at white man who had thrown at the negro, Davis threw and staggered him, Wood dropped his club. The negro to be supporting him, or conversing with him. could have been heard fifty yards. Witness, and John Cohen.—States, saw Wood as he stepped inothers, advised Tucker to leave, as such licks would to the grocery. Saw the blood running from Negro's gotten, throw at the negro and hit him and run. The kill him; and Tucker retreated up Illinois street, and nose. Saw Wood as he came out of the grocery, negro turned and hit the white man as he run, in the rushed up, say from twenty to fifty persons. Davis was west of the negro turned and hit the white man as he run, in the rushed up, say from twenty to fifty persons. Davis was west of the negro turned and hit the white man as he run, in the rushed up, say from twenty to fifty persons. Davis was west of the negro turned and hit the white man as he run, in the rushed up, say from twenty to fifty persons. was followed by the crowd. Wood went to Gaston's Saw negro strike at Wood and Wood either broke off side. Witness was somewhat excited. In a very was about eight feet from witness, and walked up to knocked down. Witness is certain that the negro had by through or among their legs. carriage shop, and procured a shaved stick similar to the blow or jumped out of the megro before he no club in his hand when Ballinger took hold of him, Benjamin Newman.—States, saw the negro standing a swingle-tree, and pursued Tucker. Wood was Wood then went to Harlin's grocery. Negro then Ballinger came forward north and somewhat behind threw. The negro fell to his hands, and raised pretstopped by persons in the crowd, and informed of the started to Magistrate's office, as the negro said. Wood that he would make him pay for it. Saw consequences if he struck and killed Tucker. Heard followed after the negro, picked up a piece of a board Davis was knocked down, Ballinger procured the from the West with his stick. Don't know where he does not think that the negro did strike Ballinger as he them again at the pump. Saw them down, and Wood on several persons in the crowd say, "Kill the negro." and struck the negro over the head, near the pump at stick and started round the crowd towards the negro. got the stick. Saw some person, supposed it was Ballinger, strike the corner of Washington and Illinois street. Wit- Ballinger approached the crowd, when he first came, Examination resumed,—Negro had nothing in his stick—damn him I'll fix him." Did not see Ballinger Saw Davis fall. Does not know who threw the bricks. the negro with a club, and the negro fell; then sup- ness then went to the place of the scuille. The neposes (as he could not see fairly for the crowd) Wood gro's face was bleeding. Saw Davis throw a brick twice with the stick while he held it in one hand;

Saw Wood with the plank in his hand.

Cross examined.—Wood took hold of the negro's hat twice with the stick while he held it in one hand;

Dr. Negley.—States, saw Wood fall on him, and pick up a and strike negro near or upon the head; saw the swingle-tree or neck-yoke. Did not see Wood give brick fall to the ground; was about 10 feet from Da- saw him fell the negro crowd with his head bleeding, with a stick in his piece of board; saw the negro crowd with his head bleeding, with a stick in his piece of board; saw the negro crowd with his head bleeding, with a stick in his piece of board; saw the negro crowd with his head bleeding, with a stick in his piece of board; saw the negro crowd with his head bleeding, with a stick in his piece of board; saw the negro crowd with his head bleeding, with a stick in his piece of board; saw the negro crowd with his head bleeding, with a stick in his piece of board; saw the negro crowd with his head bleeding, with a stick in his piece of board; saw the negro crowd with his head bleeding. the blews.

The blews.

Cross-examined.—States that he was within 8 or the feel.

There was no difficulty in seeing and strike Wood and the mob following the negro.

Wood came out of the grocery, wood came out of the grocery, which staggered Wood. Then saw them clinch, as the main crowd had not then come up. Saw him and stop him from following the negro.

Wood ap-10 feet of the negro, on Washington street, when negro was first struck by Wood. Negro was going in grown was first struck by Wood. Negro was going in grown was first struck by Wood. Negro was going in grown was first struck by Wood when he ran and elimination of the negro. Then the negro struck at him. Wood picked up the proached the negro, and the negro once, heard the other blows. Is active the negro once, heard the negro once, heard

out here." Wood came out. Negro struck at Wood fore Davis was knocked down. The negro then walkand missed him; Wood then ran across the street to- ed over towards the east side of Illinois street, near threw at the negro and run was hit by the negro and ru the side. Does not think that the person's hat fell the negro working with him. The negro working with him. The negro seemed when he struck, or near them. Has frequently visited will see fun directly." The negro passed down the street.

where in the crowd two or three rods from Davis, he would turn and throw at the crowd, and they throw speaker had commenced. Did not state to any person ington street.

John F. Ramsay.—States, on 4th July, afternoon, saw negro on the south side of Washington street, near Michael's or Ennis's grocery, walking up street; Wood met him on the packen on the south on the pose, and went into the grocery. Negro and the south of the south

was in this open space in front of the crowd.

ABRAHAM BIRD.—States, the first witness saw was ballinger coming up the brick in Davis's blow would not have produced immediate brick. The brick was afterwards produced in court and identified.

William Marquis.—States, came up near the company with John Smock. The skull was a single blow. The skull was evidently mistaken in her after statement as to locality. Wood wort never the pump about half a minute before the negro was hit. Wood coming out of a grocery on the south side of street with his mouth bleeding. Did not see the fight. Under the pump about half a minute before the negro was hit. Saw Ballinger strike the negro. Saw Wood come up and death. It would not have done so unless inflammation had supervened. Injuries do not always show an immediate effect. The weapon used by Ballinger might dispersed at the grocery on Washington street, where the negro was the negro took a westerly dispersed at the grocery on Washington street, where the negro was the pump saw then seed to other thinks, blow would not have produced immediate death. It would not have done so unless inflammation had supervened. Saw Ballinger strike the negro. Saw Wood come up and strike the negro after he was down. William Poland, Ju.—States, saw Wood and negro was the grocery on Washington street, where the negro was the pump saw the negro took a westerly dispersed at the grocery on Washington street, where the negro was the negro was the negro. Saw then seven the negro was the negro in the strike the negro. Saw Wood and negro was the negro was the negro in the strike the negro. Saw Wood and negro was the negro was the negro in the strike the negro. Saw Wood and negro was the negro was the negro. Saw Wood and negro was the negro. Saw Wood and negro. The negro was the negro was the negro was the negro. Saw Wood and negro. The negro was the negro was the negro was the negro. Saw Wood and negro. The negro was the negro was the negro was the negro. Saw Wood and negro. The negro was the negro was the negro. Saw Wood and negro. The negro was the n WILLIAM MARQUIS.—States, came up near the com- for an axe handle, saying that he wanted to kill the rection. Wood went across the street. Did not see very strong. mencement of the last affray. Saw Wood come up damned negro. Wood picked up a board, and pursu- the scuffle near the pump. Saw megro standing in the bar the negro cross the street. Does not think any thing with a stick. Negro had a stone or brick in each hand. Davis threw a brick or stone at negro down the street. When he came near him on the head, back part. Negro then the head, back part and knocked him down. The affray was within 20 or 30 feet of the pump.

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The affary was within 20 or 30 feet of th The affray was within 20 or 30 feet of the pump. head with a brick or stone which Davis threw at him. club, near three feet long, two or three inches in dioccasioned by concussion produced by several blows.

A severe tracture of the pump. head with a brick or stone which Davis threw at him. club, near three feet long, two or three inches in dioccasioned by concussion produced by several blows. When Davis threw at the negro it was near the same It struck the negro and the blow bent the negro for- ameter. Wood inquired for the negro, and voices occasioned by concussion is the and knock him down. Saw Wood come up and strike at Daniel McNabr.—States, saw the fight at the pump place. Davis was in advance of the crowd. Came ward. The back of the negro's head was towards said there he is. Wood approached the negro, and destruction of nervous vitality, or subsequent inflamma- the negro say out of the crowd and was in front of it. Davis threw Davis. The negro threw and retreated towards the Davis blow of Ballinger might have produced instant blow of Wood and his stick seemed to hit the ground. Davis had cut his head. Buckhart told him to go away. twice before the negro threw and hit Davis. Davis north up Illinois street. Saw the negro threw and retreated towards the would kill the damned new death, but might have been materially anded by the other the blow which Davis received was severe. Saw him after the blow which Davis received was severe. Saw him after the blow which Davis received was severe. Saw him after the blow which Davis received was severe. Saw him after the blow which Davis received was severe. Saw him after the blow which Davis received was severe. hit the negro in the side with a brick or stone. Did bats towards the crowd, but not until bricks had been gro. Saw Wood strike the negro after Ballinger had blows. Internal marks of injury are not always fatal or terwards, with his head bleeding, near the face.

MR. BIRD-Cross-Examined. -Saw Wood first at negro on the head or the back with a stick. Witness It was thrown with much force. The club was a good | Cross-examined. -Saw Wood with his single-tree, saythrow at him when he again turned round.

MR. BIRD—Cross-Examined.—Saw Wood first at negro on the head of the back with a stick. Withest the negro on the head of the back with a stick. Withest the negro on the head of the back with a stick. Withest the negro on the head of the back with a stick. Withest the negro on the head of the back with a stick. Withest the negro on the head of the back with a stick. Withest the negro on the head of the back with a stick. Withest the negro on the head of the back with a stick. Withest the negro on the head of the back with a stick. Withest the negro on the head of the back with a stick. Withest the negro on the head of the back with a stick. Withest the negro on the head of the back with a stick. Withest the negro of the back with a stick. Withest the negro of the back with a stick. Withest the negro of the back with a stick. Without the negro of the head of the back with a stick. Without the negro of the head of the back with a stick. Without the negro of the head of the back with a stick. Without the negro of the head of the back with a stick. Without the negro of the head of the head of the back with a stick. Without the negro of the head of the stooped to pick up things to throw and continued to ing. Witness was across the street at an upper win- Heard much noise out in the street. Don't think he stood.

much sign of intoxication. Heard persons cry "kill The crowd and the negro then both threw brick-bats. Cross-Examined .-- Witness was on the south side of the negro up Ithinois street. Mr. Thompson took hold of stick with one hand, and then with both hands, and negro was ten or fifteen steps west of the corner of Robert Wells .- States, first saw Wood near Hedderdead except pulsation. The negro retreated at all Wood in jail-say four or five times. When witness Wood followed until the negro hit him with the brick. Cross-Examined .- Thinks Ballinger was some- times when the crowd did not press upon him, then arrived at the church where the oration was delivered the The negro had a brick bat in his hand as he crossed Wash-

blood gushing out of his head; he was standing on gro with a large club several blows, which felled the A. A. Loudon.—States, first saw the negro and Cross-Examined.—The negro was knocked down or when the negro was killed. his feet. Did not see the negro strike Davis. Saw megro to the ground, with his face in the gutter and when the negro to the ground, with his face in the gutter and when the negro to the ground, with his face in the gutter and when the negro to the ground, with his face in the gutter and when the negro to the ground, with his face in the gutter and when the negro to the ground, with his face in the gutter and when the negro to the ground, with his face in the gutter and when the negro to the ground, with his face in the gutter and when the negro to the ground, with his face in the gutter and when the negro to the ground, with his face in the gutter and when the negro to the ground, with his face in the gutter and when the negro to the ground, with his face in the gutter and when the negro to the ground, with his face in the gutter and he was a second to the ground that the negro to the ground the negro the negro to the ground the negro the negro to the ground the negro to the ground the negro to the Wood rush up after Ballinger had struck the negro. Saw no other persons believes that Wood was on top—the negro was about to get on the pavement. Wood was on top—the negro was about to get on top and said wold follow I did not many to the negro was about to get on top and said wold follow I did not many to the negro. Saw no other persons the Wood was on top—the negro was about to get on top and said wold follow I did not many to the negro was about to get on top and said wold follow I did not many to the negro. The negro was about to get on top and said wold follow I did not many to the negro. Wood rush up after Ballinger had struck the negro; his feet on the pavement. Wood then came up and believes that Wood struck him about the head and shoulders; could not see distinctly. Thinks Wood struck him about the negro, "damn you, I want you to leave shoulders," as Ballinger advanced to have a bounder and said, "old fellow I did not mean to hurt you believes that Wood was on top—the negro was about to get on top gro was east of Wood was on top—the negro. Saw no other persons shoulder and said, "old fellow I did not mean to hurt you believes that Wood was on top—the negro was about to get on the pavement. Wood was on top—the negro was east of Wood was on top—the negro was east of Wood was at the barrel. Did not see the negro pick up the brick which witnes saw in his hand, if you do not his hand, if you do not his hand. was intoxicated. Does not remember whether Wood of the mob, and cried "kill the damned negro," The here." Some person threw something and hit the newas laughing at the time he first struck the negro. The left will sap you. The mob, and cried will the damned negro. The left will sap you. The mob, and cried will the damned negro. The left will sap you. The mob, and cried will the damned negro. The left will sap you. The mob, and cried will sap you. The mob in the front and hit the negro on left the mob, and cried will sap you. The mob in the first struck the negro. The mob in the sap you. The mob in the first struck the negro on left the mob in the sap you. The mob in the sap you in the sap you. The mob in the sap you in t Wood laughed when he left the negro, as he crossed turbed nobody, and had done nothing to make him go the back part of the head. The negro stood with his more than once. Did not see the stick until Bailinger called for his hat and said he could not stand it. Then fatal immediately. Such a blow, from such a stick, pro-

ner. Saw Davis throw a brick and strike Tucker on came to the negro, had been block of wood, with which he, the negro, had been block of wood, with which he, the negro, had been block of wood, with which he, the negro, had been block of wood, with which he bricks which were being thrown. Had run the head. Tucker's back was towards Davis. Davis was intoxicated, his as he approached the negro; was within ten feet of him; about five feet when he was struck. At no time during threw with force, severely, near a whole brick. Saw the negro either on the head, back of the neck or not strike him. Davis then threw the brick. The breath smelling of liquor. Wood when at Kirlin's, thinks he should have heard him if he had spoken loud that day had be run North towards Lister's stable. Did Wood afterwards come into the crowd with a club in shoulders. He did hit the negro and not the ground. negro was about to throw at some other person when jumped astride a salt barrel, and swore he would kill the enough for the negro and not the ground. his hand; had a large shaved club; said he would be leading when he saw heart he second brick which hit the negro. It leads the saw negro nearly opkill the damped negro. Witness held Wood. Wood tried to hit witness on the head; did not hit witness. Wood then started in a direction from the negro and advised him to desist. Wood then started in a direction from the negro. Sev.

V. C. Hanna.—States, first saw negro nearly opposite Armstrong's tavern. Saw Wood with a stick in his hand. Saw negro pick up tried to hit witness. Wood then started in a direction from the negro and advised him to desist. Wood with a stick in his hand. Saw negro pick up strike the young man, the young man, the young man had not thrown at him, he, Tucker, ed and gone part way across the street the crowd follow.

Bessamis Lobacca down, does not held with the said been knocked down that Balling and when Tucker was informed that he was mistaken, ed and gone part way across the street the crowd follow.

Bessamis Lobacca. Saw Wood with a stick in his hand. Saw wood with a stick in his hand. Saw was after Davis had been knocked down that Balling and when Tucker was informed that he was mistaken, that the young man had not thrown at him, he, Tucker, ed and gone part way across the street the crowd follow. swore he would kill the damned negro. Others also of wood which was in the hand of the negro, was a dropped his hand and did not attempt to strike the young cd.

search of a stick, and came with one. negro when Davis threw the brick. Saw Wood come fluence Wood to be peaceable. As Wood advanced Samuer. Herseldesen.—States, on the morning partially insane. Has frequently seen him when intoxi- blame, and that he ought to be whipped, or that the negro from Gaston's shop with a club. Saw Wood's brother upon the negro, the negro turned round and told Wood the pump. Afterwards saw Wood with a club come of the 5th July, made a post mortem examination of the cated and the result is that he is prone to quarrel and fight could whip Wood. The negro then remarked, as witness not to strike. Wood stood off. At this time Ballin- up towards the negro. Some persons took hold of body of John Tucker before a coroner's jury. Found a when he has been drinking. not to strike. Wood stood off. At this time Ballin- up towards the negro. Some persons took hold of fracture on the anterior portion of the skull bone, external ger threw a brick at the negro, and the negro retreat. Wood. Stones were thrown by the crowd. Negro and internal remained.—Some men have their mental faculutes at Gaston's shop. The negro still remained until Wood returned. The negro was backing out
from the crowd. Wood was somewhat intoxicated.
When witness arrived at the pump, where the fight When witness arrived at the pump, where the fight Was acquainted the negro; his name was John Tuck. Saw the pump, where the fight Was acquainted the negro; his name was John Tuck. The negro throw and hit a person who was running north. The negro cerwas going on between Wood and the negro, the ne- er. Saw him on the sidewalk after he was an system. Could not say whether death was produced saw Wood shortly previous to the murder, he thought him tainly use the words "whip" and "white men." Undergro was about getting clear from Wood. Wood's The stick carried by Wood appeared to be a new open space between the negro and the crowd. Davis from either or all of the blows. Could not determine excited, and this excitement he calls the first stage of inwhether inflammation would or would not have been sanity. Thinks Wood was capable of knowing right from ness was holding Wood, and Wood was trying to get Wood's head. Negro was backing out. Wood was backing out. Wood was bare headed. Did not see negro strike Wood. Wood was not very dense.

Cross-examined.—The crowd was not very dense.

Cross-examined.—Saw the person hit who run. found upon the skull. No extravazation or apparent of the consequences of high crimes.

saying so; Wood was excited. The fight was four thrown a brick bat and followed to where the negro Due hit Davis, the other the young man who ran.

| Produce death. The effect of the blow of Ballinger was | Miss Mark Errster.—Saw the negro pick up a brick bats flying; heard the cry in ROBERT HARDIN .- States, saw a row near Meikeil's apparent at the moment. Cannot say whether independ- bat and throw it and hit Wood on the head. Saw Wood the crowd "kill the negro." Saw Mr. Davis come up by burnt arch brick. The negro was standing with his Abraham Bird.—States, the first witness saw was grocery. Afterwards saw Ballinger coming up the ent of other blows, Ballinger coming up the pump about half a minute before the negro was hit.

not hear Davis speak. Witness saw negro after thrown at the negro. The crowd still followed up knocked him down. Saw the brick which Davis bricks, and said he could whip any white man. He starthe was dead. Negro laid upon the side walk and in the street. Davis threw a brickbat and hit the negro. The negro crossed from the lot two or three hours. The negro crossed from the side walk and hit the negro, and hit him. The negro then by Ballinger, the blows might have produced immediate throwing at the negro, and hit him on the shoulder, when the negro was hit once or twice benear Armstrong's tavern or Dr. Hunt's office to the on the head and knocked him down. Several persons through the same on the head and knocked him down. Several persons through the same of the street. When witness first saw Dr. The negro was nit once or twice best he turned round, and when Wood approached him, he told throw a brick through the man might have recovered. It is possible that the east side of the street. When witness first saw Dathen threw at the negro, and several cried "kill him." some person holding him, after he had been knocked blow of Ballinger and the negro.

The next he him. It was after he had been stricken on the head by

witnesses being sick and not in attendance

round to the left of Wood and threw and struck the bats which the negro there came near hitting witness. not see Davis after he fell.

first heard of the fuss, or when the row commenced, dis-

took the stick from the man, remarked, "give me the top of the negro. Afterwards saw bricks being thrown.

Davis attempted to rise and fell, and he was helped in the crowd. The witness was acquainted with the given, and the negro stood back was towards the negro when he, witness, was hit, JACOB VANDEGRIFT.—States, was sitting at Wiley's auction roofn. Saw negro cross the street. After
lace in the gutter; he fell as dead. Wood immediately was about 15 feet from the negro, when the street was a man who had the negro in the gutter; he fell as dead. Wood immediately was about 15 feet from the negro, when the street was a man who had the negro in the gutter; he fell as dead. Died in two or three minutes. auction room. Saw negro cross the street. Afterwards saw Wood and negro fighting at corner of word and struck the negro, and the negro, and the negro, and the negro, and the negro throw wood go down the street, saw Wo

eral voices exclaimed "kill the negro." Did not see advised Wood not to strike him. Witness advised bleeding he went in Dr. John L. Richmond.—States, he is acquainted with time that Wood and the negro were parted. Witness ad-Nicholas Wood. When Wood is intoxicated he becomes vised negro to go away. Others said that Wood was to

saw was the contest between Ballinger and the negro.

SATERDAY, Aug. 10.

Court met pursuant to adjournment.

down. Negro threw other bricks or stones, and other persons were near being hit, particularly a child on persons were near being hit, particularly a child on fix him." Witness stood about 15 foot from Ballinger at the time B. struck the negro in the negro in the negro picked up the club out of the negro picked up the club out of the negro is hand. Stood 3 or 4 feet from Ballinger at the time B. struck the negro met Wood more than half way. Afterwards saw him; but did not hit him. Ballinger had nothing in his

round the crowd and went to the negro; Davis came fight when Wood came up to him. One of the brick strike the negro after he was downed by Ballinger. Did

gro, about a half minute before the negro threw. Saw

that he was at the church when the fight was going on, Cross eramined .- At the time that Wood was lifting

saw the brick bats flying every way. Saw Ballinger catch duces a jar which suspends the action of the brain. The

to Harlin's. Wood shortly afterwards came out, and followed the negro down the street. Negro had startfollowed the negro down the street. Negro had started towards magistrate's office in a north west direction in negro, in the head of Wood; saw the scratch or blood throwing at some person who had thrown at him from the head of wood also start in a brisk gait after the negro. The negro on the saw Wood also start in a brisk gait after the negro. Took hold of a barrel of salt and said he
several stones were thrown and struck the negro. Took hold of a barrel of salt and said he
several stones were thrown and struck the negro. Took hold of a barrel of salt and said he
several stones were thrown and struck the negro. Took hold of a barrel of salt and said he
several stones were thrown and struck the negro. Took hold of a barrel of salt and said he
several stones were thrown and struck the negro. Took hold of a barrel of salt and said he
several stones were thrown and struck the negro. Took hold of a barrel of salt and said he tion, in pursuance of advice given by witness. Saw upon Wood's face. An hundred men collected in from the head. Also a block of wood hit him with that. Heard the negro say that if the scuffle near the pump. Heard cries of "kill the two to five minutes. Davis ordered him to leave, Wood approached as if he intended to strike the negro, or Wood and not let him alone, he would hart him. He negro." Saw brick bats thrown. Could not tell who time after the seuffle with Wood and the negro near Davis had hit the negro near Davis had hit the negro a second time, before the ne- and threw a brick which hit the negro on the head. The to slap his posteriors-he said he would slap him. Saw shook his fist at Wood. This was near Preston's awnthrew them. Did not see Davis and the negro in the the pump; it might have been 1, 2 or more minutes, gro threw at him. When Davis fell, the crowd cried negro tell to his hands and raised with a brick in his hand. rocks flying both ways, but could not say which side began, ing. Did not hear Wood speak to the negro. Wood was

the negro say that if Wood wanted blood, to come gro." Wood came with his stick before Davis was twice more, but did not hit him, but hit the ground 7 wards had hold of the negro, and was striking him with negro. out and he would have blood for blood. Considered knocked down. Ballinger came just after Davis was or 8 inches from his head. Thinks Wood was intox- a club, and took both hands to the club and felled the Was struck with a brick on the back while running in Wood partially intoxicated. He did not stagger. Sup- knocked down. Some thought that Davis was killed. Icated. Did not see Wood stagger at the title he was negro. Wilness saw the skin open when the blow was came out of the grosery, when the negro struck twice at Illinois street. Had not thrown and hit the negro. His

was the scuffle near the pump, and got there about the

got loose, he pursued the negro, and the negro told him to Re-examined .- Thinks Wood when intoxicated reck- stand off or he should hit him. Wood stood off. The

first stricken. Saw them scufile near the pump. Saw

Davis, that the negro was encouraged to stay, as his head was then bleeding. When he said that he could whip any white man, he then started away .

Cross Examined .- Buck hart told the negro to go way. Day told him to stay. The blood was running from the

knocked down, shortly afterwards saw Bailinger take hold

turned towards the pump. Negro turned towards the pump. Negro turned towards the pump. Negro turned round two approached him with the stick in his hand.

Witness could not see for the head or shoulders. Witness could not see for the head or shoulders. Witness could not see for the head or shoulders. Witness could not see for the head or shoulders. Witness could not see for the head or shoulders. Witness could not see for the head or shoulders. Witness could not see Ballinger strike or do any thing until atter Davis was knocked down. Don't suppose that Ballinger could have thrown before Bayers.—States, first saw the megro after the pump. Heard the negro's face with the negro's face with the negro's face with the negro's face with the negro. Afterwards thinks he saw Davis with his head bleeding, and some person had pold of him. Could not see who it was that was the first man who down without the head or shoulders. Witness could not see Ballinger strike or do any thing until atter Davis was knocked down. Don't suppose that he head or shoulders. Witness was the first man who down without the negro is face with th gave the blow that knocked the negro down. Passed with a brick bat in the side or back. The negro showed threw. Saw Ballinger hit and fell the negro, Saw Wood close on the negro, with the stick elevated. They were